

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

SHANNON, et al.,

Plaintiffs,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

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CASE NO. 1-20-CV-448-ADA

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORTS AND RECOMMENDATIONS**

Before the Court are the Reports and Recommendations of United States Magistrate Judge Mark Lane (ECF Nos. 167 & 188). The report **RECOMMENDS** Defendant's Motion for Summary Judgment (ECF No. 176) be **GRANTED**. This report and recommendation was filed on August 7, 2024. The other pending report **RECOMMENDS** Plaintiff's Motion to Certify Class (ECF No. 176) be **DENIED**. This report and recommendation was filed on January 31, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider "[f]rivolous, conclusive, or general objections." *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

Regarding the Motion for Summary Judgment, the Plaintiff filed objections on August 21, 2024 (ECF No. 190). The Court has conducted a *de novo* review of the motion for summary

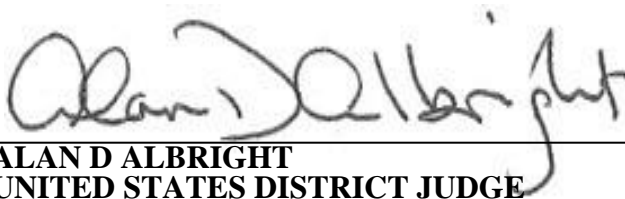
judgment, the responses, the report and recommendation, the objection to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

Regarding the Motion to Certify Class, the Plaintiff filed objections on February 15, 2024 (ECF No. 169). The Court has conducted a *de novo* review of the motion, the responses, the report and recommendation, the objection to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of United States Magistrate Judge Mark Lane, (ECF No. 188), is **ADOPTED**. The report **RECOMMENDS** Defendant's Motion for Summary Judgment (ECF No. 176) be **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation of United States Magistrate Judge Mark Lane, (ECF No. 167) is **ADOPTED**. The report **RECOMMENDS** that Plaintiffs' Motion for Class Certification (ECF No. 163) be **DENIED**.

**SIGNED** this 16th day of September, 2024.

  
ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE